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I. RECOMMENDATIONS OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE FOR THE GENERAL ASSEMBLY

The Committee met on 15 November 1996 and adopted its report to the fifty-first session of the General Assembly (see A/51/35, GA/PAL/736) as well as on 26 November, at which time it approved four draft resolutions on the question of Palestine (GA/PAL/737) for submission to the General Assembly. The Committee's report contains the following recommendations:

133. The past year was one of great hopes and great disappointments, as the enthusiasm generated by the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of September 1995 and the first Palestinian election, which followed the Israeli redeployment from six West Bank towns and a number of villages, gave way to feelings of despair over the very future of the peace process in view of the renewed cycle of violence in the area, delays in the implementation of the agreements reached, the prolonged closure of the territories, with its grave economic consequences, and the resumption of the policy of settlements.

134. Believing that there is no peaceful alternative to the negotiations courageously undertaken by the parties, the Committee considers it essential for the international community to intensify its efforts in support of the historic process of reconciliation between the two sides and for the effective implementation of the agreements reached and for the resumption of all aspects of the negotiations on the agreed basis. The Committee notes that the year 1997 will mark the thirtieth anniversary of the military occupation of the Palestinian territories, including Jerusalem, an occupation that still continues over most of the Palestinian land despite the historic achievements of the peace process. Fifty years will have elapsed since the adoption by the General Assembly of resolution 181 (II) of 29 November 1947 partitioning mandated Palestine; 10 years since the beginning of the intifada, the Palestinian uprising, which through the sacrifice of many young people helped create the conditions for progress in the peace efforts. These milestones in the long history of the Palestinian struggle for the attainment of their inalienable national rights are a measure of the long road that still remains to be travelled and provide an impetus for intensified international action in the year to come.

135. The Committee reaffirms that the United Nations has a permanent responsibility with respect to the question of Palestine until a comprehensive, just and lasting settlement is reached. The Committee reiterates that the involvement of the United Nations in the peace process, both as the guardian of international legitimacy and in the mobilization and provision of international assistance, is essential for the successful outcome of the peace efforts. As the organ of the General Assembly established to deal with the question of Palestine, the Committee believes that its own role continues to be useful and necessary during the transitional period and until a satisfactory final settlement is achieved.

136. The Committee reaffirms that such a settlement must be based on Security Council resolutions 242 (1967) and 338 (1973), the withdrawal of Israel from the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967, the principle of exchange of land for peace and the exercise by the Palestinian people of its inalienable rights, in particular the right to self-determination. The Committee also insists that, during the interim period, Israel must recognize and respect its obligations as the occupying Power under the Fourth Geneva Convention.

137. The Committee calls in particular for an end to the policy and practice of settlements in the occupied Palestinian territory, including Jerusalem, which is in violation of the Fourth Geneva Convention, prejudges the final status negotiations by creating facts on the ground and is therefore contrary to the letter and the spirit of the agreements between the parties, and poses a grave threat to the future of the peace process.

138. Noting that the tragic clashes between Palestinians and Israelis in September 1996 began with protest demonstrations over Israel's archaeological excavations in the Old City of Jerusalem, the Committee reaffirms the particular status of the City in accordance with several United Nations resolutions. The Committee recalls that the Security Council has repeatedly affirmed that all measures altering the geographical, demographic and historical character and status of the Holy City are null and void and must be rescinded.

139. While remaining firm on these positions of principle, the Committee has continued to make adjustments in its approach and programme of work, taking into account the new realities, in order to make a concrete contribution to promoting the implementation of the agreements reached and to mobilize international assistance to the Palestinian people. The Committee invites the General Assembly once again to recognize the importance of its role and to reconfirm its mandate with overwhelming support.

140. The Committee wishes to express its great appreciation to those States which have supported its work and facilitated the organization of events held under the Committee's auspices by providing venues and participating in the debates. The Committee believes that, in the light of the new situation and the constructive position of the Committee reflected in its programme of work, the time has come for all States to recognize the valuable contribution that it can make as a forum for dialogue, analysis, exchange of expertise, mobilization of public opinion and action in support of the peace efforts and the inalienable rights of the Palestinian people, as well as their socio-economic development. The Committee considers that a broadening of its membership to include countries that support its objectives but have not hitherto participated in its work would greatly enhance the contribution of the General Assembly to promoting peace at this important stage.

141. The Committee considers that its programme of seminars in the different regions has played a useful role in informing and mobilizing public opinion, promoting exchange of experience and expertise between participants from the various regions and Palestinians and Israelis and in promoting increased involvement by Governments in the search for a just and comprehensive solution of the conflict. The annual convening of a seminar devoted specifically to issues related to the economic and social challenges facing the Palestinian people during the transitional period has proved very useful, and the Committee intends to continue this practice in order to give the international donor community, including United Nations bodies and agencies, the opportunity to exchange views with representatives of the Palestinian Authority and internationally renowned experts on relevant issues.

142. In view of the current serious situation in the occupied Palestinian territories, including Jerusalem, the Committee intends to encourage renewed, intensified efforts by non-governmental organizations (NGOs) to organize and coordinate sustained campaigns to inform public opinion and to promote national and international action in support of United Nations resolutions and the Committee's objectives. It plans to continue its programme of NGO meetings in the various regions with a view to providing the NGO constituency with periodic analysis of political developments, a forum for an exchange of views and experience, as well as for planning and coordinating specific NGO activities. Encouraging mutual information and cooperation and enlarging the NGO network remain important goals for the Committee. Noting the continued desire of NGOs to hold a future meeting in the area under the jurisdiction of the Palestinian Authority,

the Committee reiterates its call to the Government of Israel not to interfere in a negative manner in this endeavour as an important confidence-building measure.

143. The Committee emphasizes the essential contribution of the Division for Palestinian Rights of the Secretariat as a centre for research, monitoring, the preparation of studies and the collection and dissemination of information on all issues related to the question of Palestine. The Committee requests the Division to continue its programme of publications, in consultation with the Committee, and to pay particular attention to finalizing the proposed study on settlements during the coming year. The Committee notes with appreciation the further progress made by the Division in developing the United Nations computer-based information system on the question of Palestine and in making it available to users, including the establishment of a home page on the Internet, and calls for intensified efforts to include all relevant documentation in the system, including, if necessary, the redeployment of funds from lower-priority activities in the Division's budget.

144. Noting further the successful introduction in the Division of a pilot project for the training of staff of the Palestinian Authority in the workings of the United Nations system, the Committee requests the Division to continue this exercise in the future.

145. The Committee will continue to strive to achieve maximum effectiveness in the implementation of its mandate and to adjust its work programme in the light of developments, in order to continue to contribute, to the extent possible, to the realization of the common United Nations objective of achieving a just and lasting solution to the question of Palestine.

II. INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE, 29 NOVEMBER 1996

On 29 November 1996, the International Day of Solidarity with the Palestinian People was observed at United Nations Headquarters in New York and at the United Nations Offices at Geneva and Vienna, as well as in several other cities in accordance with General Assembly resolution 32/40 B of 2 December 1977.

All States Members of the United Nations, specialized agencies and observers were invited to attend the solemn meeting of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

At that meeting, statements were made by Ibra Deguène Ka (Senegal), Chairman of the Committee; Razali Ismail (Malaysia), President of the General Assembly; the Secretary-General; and Nugroho Wisnumurti (Indonesia), President of the Security Council for the month of November 1996.

The Permanent Observer of Palestine to the United Nations read out a message from Yasser Arafat, President of the Palestinian Authority and Chairman of the Executive Committee of the Palestine Liberation Organization. Also, Herman Leonard de Silva (Sri Lanka) made a statement as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

In addition, Andelfo Garcia, the representative of Colombia, read out a message

from Ernesto Samper, President of Colombia, in his capacity as Chairman of the Eleventh Conference of Heads of State or Government of the Movement of Non-Aligned Countries. Mahawa Bangoura Camara, the representative of Guinea, read out a message from Lansana Conte, President of Guinea, in his capacity as Chairman of the Organization of the Islamic Conference.

Said Kamal, Under-Secretary-General for Palestine Affairs in the League of Arab States, read out a message from Ahmed Esmat Abdel Meguid, Secretary-General of the League of Arab States. A further statement was made by David Graybeal, the representative of the International Coordinating Committee for NGOs on the Question of Palestine.

Concluding statements were made by Farouk Kaddoumi, head of the Political Department of the Palestine Liberation Organization, and by the Chairman of the Committee.

The text of all statements and messages in connection with the Day of Solidarity will be included in a special bulletin to be published by the Division for Palestinian Rights.

A cultural exhibit entitled "Preserving the Legacy, a New Dawn of Hope", featuring Palestinian arts, handicrafts and products assembled from Palestinian towns and villages by the Ministry of Culture of the Palestinian Authority with the help of artist Nabil Anani, was on display in the Public Lobby of the United Nations Secretariat Building from 29 November to 5 December 1996. The exhibit was sponsored by the Committee in cooperation with the Palestine Observer Mission to the United Nations. At the opening, on 29 November 1996, the Chairman of the Committee made a statement, followed by statements by Farouk Kaddoumi and Nawaf Hamed, Ministry of Culture of the Palestinian Authority.

III. DEBATE ON THE QUESTION OF PALESTINE OPENS IN THE GENERAL ASSEMBLY

On 29 November 1996, the debate on the question of Palestine began in the General Assembly. In accordance with past practice, the item was taken up in the plenary and was introduced by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The Rapporteur of the Committee introduced the annual report A/51/35. The full text of both statements is presented below:

Statement by the Chairman

Mr. President,
Distinguished delegates,

I am honoured, in my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to speak before the General Assembly on agenda item "The Question of Palestine". It also gives me pleasure to express to you, Mr. President, our Committee's congratulations on your election to the presidency of the Assembly. We are confident that your experience, your long association with and thorough knowledge of the issue at hand, as well as your vast diplomatic skills will help successfully guide the deliberations on the agenda item.

Mr. President,

Next April marks the fiftieth anniversary of the inclusion of this item in the Assembly agenda. The

map of the world has undergone remarkable changes since 1947 and many new States have come into being. Our Organization's entire history has been intertwined with the question of the future of Palestine, and yet it is hard to believe that for 50 long years we have been unable to cut the Gordian knot of this problem.

The Middle East peace process inaugurated at Madrid in October 1991 has given the people of the Middle East a glimmer of hope. Considerable progress has been made since then. Many milestone events in the Israeli-Palestinian negotiations have since been translated into tangible accomplishments benefiting both parties. We all rejoice when the peace process advances according to the agreed timetable and on the basis of the agreed principles. We are all worried, however, when the implementation of the agreements is slowed down or jeopardized by events on the ground.

Today, the progress and the fate of the five-year old peace process continues to occupy our minds, which was again evident in the statements of so many speakers during the general debate. We are again trying to take stock of the year behind us. As you recall, along with the expressions of support for the process, we all heard expressions of concern for its viability. Last November, we acknowledged the difficulties and problems in the Israeli-Palestinian negotiations. And yet, a feeling was expressed in the deliberations on this agenda item by many of us that things were slowly getting better. So, where do we stand now, one year later? Allow me to review briefly the situation in the Israeli-Palestinian track as it affected the Palestinian people in the past 12 months.

On the positive side, the Committee was gratified to note that the Government of Israel redeployed its forces from six Palestinian towns in the West Bank and from over 450 villages transferring powers and responsibilities in the administrative, civilian and security areas to the Palestinian Authority. On 20 January, historic first elections to the Palestinian legislative council and the presidency of the Palestinian Authority were successfully held. Mr. Yasser Arafat was elected President of the Executive Authority of the Palestinian Council. Then, in April, the Palestine National Council voted to abrogate articles of the Palestine National Covenant that were contrary to the Israeli-PLO agreements. That was the first PNC meeting held in Gaza. The month of May marked the beginning of the permanent status negotiations. We also welcomed the first meeting between Mr. Arafat and the new Prime Minister of Israel, Mr. Netanyahu, on 4 September. All of these developments were of paramount importance to the Palestinian people, their Israeli partners in the peace process and to their neighbours. Naturally, for the peace process to succeed, a favourable political climate should exist.

As you are aware, conditions on the ground during the greater part of the year were far from being favourable. During the year, our Committee continued, as mandated by the General Assembly, to monitor the situation with respect to the exercise by the Palestinian people of its rights and has noted serious violations by Israel of its commitments as a party to the agreements, as well as of its obligations, as an occupying Power, under the Fourth Geneva Convention.

On the issue of commitments. The agreed redeployment of Israeli troops from the town of Hebron, scheduled for March, was not carried out as planned due to elections in Israel. Nor was it implemented afterwards. Instead it became the subject of additional discussions between Israel and the Palestinian Authority, following the October Middle East summit meeting in Washington, D.C. The redeployment from "Area B" of the West Bank had also not begun, as scheduled, in September 1996.

Aside from the outright violations of the bilateral agreements, the Israeli authorities pursued policies severely affecting the livelihood of the Palestinian population. The closure in February of areas under the jurisdiction of the Palestinian Authority has led to the fragmentation of Palestinian communities, their isolation from one another and

from the outside world. This collective punishment deteriorated into a crisis virtually denying the Palestinian population the right to travel to work, attend educational institutions, trade, as well as obtain foodstuffs and seek medical care. Also, in this connection, our Committee believes that interference by the Israeli authorities with activities of the members of the Palestinian Council representing the Jerusalem district is totally unacceptable.

The Committee was much alarmed by the policy statements and decisions of the Israeli Government on the issue of settlements. Confiscation of Palestinian land and construction of settlements continued, with new plans for settlement construction already on the table. "An announcement of intent" - this is how a high-ranking Israeli official in the Prime Minister's office described, earlier this month, the recent plans of the Ministry of Construction and Housing for the construction of some 2,000 housing units in a new settlement to the north of Ramallah. Clearly, announcements of this nature are very damaging, as they preclude if not completely ruin the efforts to create the atmosphere of trust between the parties. But most importantly, in the past, many of such statements have been translated into real facts on the ground. Also, the expansion of settlements is of special concern as it is directly linked to the increase in the numbers of settlers. The Committee has warned on numerous occasions that the presence of armed Israeli settlers implanted into environs of densely populated Palestinian communities creates a sense of anxiety and insecurity on the Palestinian side. This tension often results in acts of violence. The Committee wishes to remind the Government of Israel that construction of new settlements or expansion of the existing ones contradicts the Fourth Geneva Convention and the articles of the bilateral agreements stipulating that the integrity and status of the West Bank and the Gaza Strip would remain unchanged during the transitional period, pending the completion of the permanent status negotiations.

The international community has expressed grave concern at the recent decision by the Israeli authorities to open an entrance to the archaeological tunnel in the vicinity of Al-Haram Al-Sharif in occupied East Jerusalem. The action escalated into violence, causing deaths and injuries of over 50 Palestinian civilians and casualties among Palestinian police and Israeli military. These tragic developments were discussed at an urgent meeting of the Security Council. Some 50 speakers, mostly foreign ministers, addressed the Council. At the end of its debate, the Council adopted resolution 1073 (1996) calling for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation and which have negative implications for the Middle East peace process; the safety and protection of Palestinian civilians to be ensured; and the immediate resumption of negotiations within the peace process and the timely implementation of the agreements.

Our Committee welcomed the subsequent efforts by the United States, a co-sponsor of the peace process, to contain the situation and resume the suspended permanent status negotiations. The negotiations, stalled since May, were restarted only after the Washington Middle East summit. The Committee expressed the hope that the parties would be able to overcome the existing difficulties and proceed to the substantive discussion of the permanent status issues. In light of the aforesaid, our Committee strongly believes that the international community should continue to monitor closely the situation on the ground, even more so today as the Palestinian people are in a difficult transition to self-determination and statehood.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People has consistently held the position that a just, lasting and comprehensive settlement of the question of Palestine must be based on Security Council resolutions 242 (1967) and 338 (1973); the withdrawal of Israeli forces from all the Palestinian territory occupied since 1967, including East

Jerusalem; the respect for the rights of all States in the region to live in peace within secure and internationally recognized boundaries; and the exercise by the Palestinian people of its inalienable rights, including the right to self-determination and statehood. The Committee is also of the view that adherence to these fundamental principles by the regional as well as extraregional parties can bring about a comprehensive and lasting solution to the question of Palestine and other problems of the region.

The Committee, in pursuance of its mandate, continued to contribute to the international effort to promote the implementation of the Israeli-Palestinian Declaration of Principles on Interim Self-Government Arrangements, subsequent implementation agreements, in particular the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, and to mobilize international support for and all forms of assistance to the Palestinian people during the period of transition. Allow me, on behalf of the Committee, to express its appreciation to all States, as well as intergovernmental and non-governmental organizations, which have supported the efforts of the Committee and made possible the holding of a number of events under its aegis by providing venues and participating in the deliberations.

In 1996, the Committee organized a series of forward-looking and useful meetings: a seminar on assistance to the Palestinian people in Cairo; a North American NGO symposium; and a European NGO symposium, and international NGO meeting at Geneva. These events were held with the participation of prominent Israeli and Palestinian personalities, experts from various countries, representatives of donor countries, governmental and non-governmental representatives and United Nations system organizations and entities. The meetings have once again proven that the Committee can make a major contribution as a forum for constructive and candid discussion of the various aspects of the question of Palestine and serve as an ideas and expertise exchange for all those committed to the steady progress and success of the current peace efforts.

The Committee continued to emphasize the critical role of socio-economic development of the Palestinian people as central to any endeavours aimed at achieving peace. We have expressed the hope that the donor community would take the necessary action in this regard, fulfilling its pledged financial commitments. We have also welcomed the continuation of the Middle East/North Africa economic initiative and consider it a useful multilateral mechanism promoting and speeding up the creation of a new economic environment in the entire region.

The Committee would like to stress the high value attached by the Palestinian people to the continued United Nations responsibility for and involvement in the question of Palestine at this vital stage. The Assembly has repeatedly reaffirmed the Organization's permanent responsibility for the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy. Further, in this regard, the Committee is of the view that the international community should not remain passive in the face of crises in the bilateral negotiating process and has a political and moral obligation to offer assistance to the parties in overcoming the outstanding transitional problems.

Pursuing its own General Assembly mandate, the Committee on the Exercise of the Inalienable Rights of the Palestinian People will continue to follow closely the situation with respect to the exercise by the Palestinian people of its inalienable rights. We shall continue to adjust the Committee's programme of work to reflect the emerging situation on the ground and contribute to overall international efforts aimed at resolving the question of Palestine on the basis of the relevant United Nations resolutions.

We are hopeful that, in this important work, we can always rely on the assistance and support of

many Member States. In this connection, I would like to invite those States that support the objectives and activities of our Committee, but have not thus far participated in its work, as a member or as an observer, to join the Committee in the implementation of its very important mandate. This will be a welcome contribution by the United Nations and the General Assembly to the promotion of peace and security in the region.

Thank you.

Statement by the Rapporteur

It is a pleasure for me, in my capacity as Rapporteur, to present to the General Assembly the report (A/51/35) of the Committee on the Exercise of the Inalienable Rights of the Palestinian People covering its work in 1996.

During the past year, the Committee has carried out its work on the basis of its mandate as determined by the resolutions of the General Assembly. The report covers important developments concerning the question of Palestine, the peace process and the activities of the Committee during the past year.

The Committee would note, inter alia, that the Israeli-Palestinian negotiations have proceeded despite repeated delays and acts of violence which caused many innocent victims on both sides and aroused the concern and condemnation of the international community. While noting a number of positive achievements in the peace process earlier in the year, the Committee would express grave concern at the exacerbation of the situation on the ground as a result of the continued closure of the territories and delays in the implementation of the agreements, as well as because of policy decisions of the new Israeli Government concerning settlements, Jerusalem, and the next stage of the negotiations. It is particularly disappointing that despite the efforts made by all concerned, there has been no agreement thus far on the redeployment of Israeli troops from Hebron.

The main body of the report is in chapter V, which gives an account of the action taken by the Committee. The chapter is divided into two main sections. Section A describes action taken by the Committee in accordance with General Assembly resolution 50/84 A. This includes, in particular, a letter by the Committee Chairman to the Secretary-General and the President of the Security Council regarding the escalation of violence in the occupied Palestinian territory following Israel's decision to open a new entrance to the archaeological tunnel in East Jerusalem, mentioned in paragraph 35; action taken within the Security Council on that issue, as well as on the situation in the occupied Palestinian territory earlier in the year, which is reflected in paragraphs 43 to 49; attendance at international conferences and meetings at which the Committee was represented by its Chairman because of their particular relevance to its work, contained in paragraphs 50 and 51; as well as a list of statements, resolutions and communiqués relating to the question of Palestine adopted by United Nations bodies, the Movement of Non-Aligned Countries and intergovernmental organizations, contained in paragraph 52.

Section B in this chapter contains an account of the action taken by the Committee and the Division for Palestinian Rights in accordance with General Assembly resolutions 50/84 A and B. Paragraphs 53 to 56 provide an overview of the various adjustments introduced by the Committee in its programme of work in order to make it more useful and cost-effective.

Subsection 1, paragraphs 57 to 81, give a brief account of the seminars and NGO symposia that took place in 1996, namely a meeting of consultations between the representatives of NGO coordinating committees and the Bureau of the Committee; a seminar on assistance to the Palestinian people, held in Cairo, Egypt; a North American NGO symposium held in New York; and a European NGO symposium and international NGO meeting held at Geneva. The section includes an account of the Committee's efforts to convene that meeting in Gaza. Further details on these

events are contained in annexes II and III attached to the report.

Subsection 2, paragraphs 82 to 85, describe activities of the Division for Palestinian Rights in the field of research, monitoring and publications.

Subsection 3, paragraph 86, describes the work done by the Division to expand the United Nations computer-based information system on the question of Palestine (UNISPAL).

Subsection 4, paragraphs 87 to 88, describe the observance of the International Day of Solidarity with the Palestinian People.

Chapter VI, paragraphs 89 to 132, cover the work of the Department of Public Information in accordance with General Assembly resolution 50/84 C, including the publications and audio-visual activities of the Department, and other activities carried out by the Department. The chapter contains a number of comments proposed by the Bureau with regard to the state of implementation of this mandate.

These various chapters will be updated by the Secretariat in consultation with the Rapporteur, if necessary, in order to reflect any new major developments.

The seventh and last chapter in document A/AC.183/1996/CRP.2, contains the draft recommendations of the Committee.

In paragraph 133, the Committee would express concern over the future of the peace process in light of the renewed cycle of violence in the area, delays in the implementation of the agreements reached, the prolonged closure of the occupied Palestinian territory and the resumption of the policy of settlements by the Israeli Government.

In paragraph 134, the Committee would express the belief that there is no alternative to negotiations by the parties concerned on the basis of the peace process and that the international community should intensify its efforts towards the effective implementation of the agreements reached, as well as for the resumption of all aspects of the negotiations on the agreed basis.

In paragraph 135, the Committee would reaffirm that the United Nations has a permanent responsibility with respect to the question of Palestine until a comprehensive, just and lasting settlement is reached, and that its own role continues to be useful and necessary during the transitional period and until a satisfactory final settlement is achieved.

In paragraph 136, the Committee would reaffirm that such a settlement must be based on Security Council resolutions 242 (1967) and 338 (1973), the withdrawal of Israel from the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967, the principle of exchange of land for peace and the exercise by the Palestinian people of its inalienable rights, in particular the right to self-determination. The Committee also insists that, during the interim period, Israel must recognize and respect its obligations as the occupying Power under the Fourth Geneva Convention.

In paragraph 137, the Committee would call in particular for an end to the policy and practice of settlements in the occupied Palestinian territory, including Jerusalem, which is in violation of the Fourth Geneva Convention, prejudges the final status negotiations by creating facts on the ground and is therefore contrary to the letter and the spirit of the agreements between the parties, and poses a grave threat to the future of the peace process.

In paragraph 138, the Committee would express its concern over the tragic clashes between Palestinians and Israelis in September 1996 and reaffirm the particular status of the city in accordance with several United Nations resolutions. The Committee would recall that the Security Council has repeatedly affirmed that all measures

altering the geographic, demographic and historical character and status of the Holy City are null and void and must be rescinded.

In paragraph 139, the Committee would restate its continued flexibility in its approach and programme of work, while maintaining its position of principle in order to make a concrete contribution, and would call on the General Assembly to reconfirm its mandate with overwhelming support.

In paragraph 140, the Committee would express its great appreciation to those States which have supported its work and facilitated the organization of events held under the Committee's auspices and call again for a broadening of its membership, to include countries that support its objectives but have not hitherto participated in its work.

In paragraph 141 the Committee would point to the usefulness of its programme of seminars in the different regions in informing and mobilizing public opinion and promoting exchange of experience and expertise, and would state its intention to continue to organize annually a seminar devoted to economic and social challenges facing the Palestinians during the transitional period.

In paragraph 142, the Committee would stress the importance of intensified efforts by the NGOs to organize and coordinate sustained campaigns to inform public opinion and to promote national and international action in support of United Nations resolutions and the Committee's objectives. Noting the continued desire of NGOs to hold a future meeting in the area under the jurisdiction of the Palestinian Authority, the Committee would reiterate its call to the Government of Israel not to negatively interfere in this endeavour as an important confidence-building measure.

In paragraph 143, the Committee would emphasize the essential contribution of the Division for Palestinian Rights of the Secretariat and request it to continue its programme of studies and publications, and to develop further the computer-based information system on the question of Palestine (UNISPAL), by including all relevant documentation.

In paragraph 144, the Committee would note the successful introduction in the Division of a pilot project for the training of staff of the Palestinian Authority in the workings of the United Nations system, and request it to continue this exercise in the future.

In paragraph 145, the Committee would express its intention to continue to strive to achieve maximum effectiveness in the implementation of its mandate and to adjust its work programme in the light of developments, in order to continue to contribute, to the extent possible, to the realization of the common United Nations objective of achieving a just and lasting solution of the question of Palestine.

In conclusion, I would like to express the hope that the Committee will consider this draft accurate and useful and will adopt it at today's meeting for submission to the General Assembly.

Thank you, Mr. Chairman.

For the text of the recommendations, see section I above.

IV. SECRETARY-GENERAL REPORTS ON PEACE EFFORTS

In its resolution 50/84 D of 15 December 1995 on the peaceful settlement of the question of Palestine, the General Assembly called for the timely and scrupulous implementation of the agreements reached as part of the ongoing peace process which began in Madrid towards the negotiation of the final settlement and stressed the need for the realization of Palestinian rights and Israel's withdrawal from the Palestinian territory occupied since 1967. The Assembly also emphasized the importance for the United Nations to play a more active and expanded role and requested the Secretary-General to continue his efforts with the parties concerned, and in consultations with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.

In his report submitted on 18 November 1996 (A/51/678-S/1996/953), the Secretary-General reported on his correspondence with the Security Council and the parties concerned, and made the following observations:

5. During the past year, the Middle East peace process has been challenged by a series of tragic incidents, by the urgency of translating the signed agreements into peace and security for all and by the need to find solutions to outstanding issues acceptable to the parties concerned.

6. In accordance with the Interim Agreement of 28 September 1995 between Israel and the Palestine Liberation Organization, Israeli troops were withdrawn from the major West Bank cities, with the exception of Hebron, paving the way for the holding of the first Palestinian general election on 20 January 1996. Negotiations on a permanent status were formally launched in May 1996, raising hopes that tangible results would soon follow. However, these promising developments were compromised by a series of acts of violence in Israel, such as the bomb attacks of February and March 1996 by extremists. These acts of violence have had a negative effect on the peace talks, while the prolonged closure of the occupied territories imposed by Israel to prevent further terrorist attacks has severely affected the Palestinian economy and resulted in an increased level of unemployment.

7. The absence of progress in the peace process in the second half of this year caused frustration and disappointment. These in turn have led, to the Secretary-General's deep regret and concern, to the tragic events of September 1996 in Jerusalem, the West Bank and the Gaza Strip, which threatened to unravel the negotiating process and brought about a crisis of confidence between its parties, namely the Israelis and the Palestinians. In response to those events, the Security Council adopted resolution 1073 (1996) on 28 September 1996.

8. A few days later, on 2 October 1996, the Prime Minister of Israel and the Chairman of the Palestine Liberation Organization took the reassuring decision to resume negotiations aimed at solving outstanding issues and implementing the Declaration of Principles on Interim Self-Government Arrangements (A/48/486-S/26560, annex).

9. It was expected from the outset of the negotiation process that the road to peace would not be easy. However, the only alternative to that process is a return to instability, endemic violence, regional tensions and uncertain economic prospects. This imposes on all the participants in the peace talks a duty to listen to reason and to show the determination and flexibility needed to carry out the negotiations in earnest, in accordance with the principles agreed at the Madrid Peace Conference of 1991 and other agreements already reached, until a permanent settlement is achieved on the basis of Security Council resolutions 242 (1967) and 338 (1973). In addition, it is clear that for the

Middle East peace process to produce truly comprehensive and lasting results, progress must be made also on the Israeli-Syrian and Israeli-Lebanese tracks of negotiation.

10. For its part, the United Nations will continue to support the peace process and to respond in an integrated way to the economic, social and other needs of the population in the West Bank and Gaza. The coordinated approach to the delivery of assistance to the Palestinians implemented by the then United Nations Special Coordinator, Mr. Terje Roed Larsen, has proved effective, particularly in times of crisis. The relocation of the headquarters of the United Nations Relief and Works Agency for Palestine Refugees from Vienna to Gaza City has resulted in closer contact between the Agency and the Palestine refugees and helped to create additional jobs in Gaza. However, economic and social conditions in the West Bank and Gaza remain dire and it is to be hoped that ways will be found to improve them in the near future, including by further easing and eventual lifting of the closure.

11. Following the departure of Mr. Larsen, who returned in October 1996 to Norway to join the new Government there, the Secretary-General has asked the Commissioner-General of UNRWA, Mr. Peter Hansen, to assume temporarily the functions of United Nations Special Coordinator in the Occupied Territories. The Secretary-General would like to thank Mr. Larsen for his valuable work in the service of the United Nations and the parties.

V. SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES REPORTS ON SITUATION

The twenty-eighth report of the Special Committee (A/51/99/Add.2) was issued on 18 October 1996 and transmitted to the General Assembly by the Secretary-General. It followed two periodic reports (A/51/99 and A/51/99/Add.1), which were transmitted to the Assembly on 19 April 1996 and 21 August 1996 respectively. In accordance with established practice, the consideration of these reports was allocated to the Assembly's Special Political and Decolonization Committee (Fourth Committee), together with related reports of the Secretary-General.

The reports under this item were summarized as follows in a press release issued at United Nations Headquarters (see GA/SPD/102):

The reports of the Special Committee to Investigate Israeli Practices (A/51/99 and Add.1 and Add.2) cover the period from 18 August 1995 to 20 September 1996. The report is based on information received from Governments, organizations, the Israeli and Arab press and oral testimonies from persons from all walks of life having first-hand experience of the situation in the occupied territories. The report notes cooperation received from the Governments of Egypt, Jordan, Syria and various Palestinian representatives, adding that the Special Committee had not received cooperation from the Government of Israel. Addendum 2 to the report includes the Special Committee's conclusions and recommendations on the situation in the territories.

The Special Committee reports cover the signing of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II), and the elections for the Palestinian Council and chairmanship of the Palestinian Authority. They stated that, contrary to expectations, the human rights situation in the occupied territories had deteriorated remarkably since the beginning of the peace process.

The reports review the general situation in the occupied territories as well as incidents resulting from the occupation, and list Palestinians killed by troops or Israeli civilians and other incidents and human rights violations. They address matters such as the administration of justice, including the right to a fair trial, and contain information on the treatment of both civilians and detainees. On the treatment of civilians, they deal with incidents of harassment, physical ill-treatment and expulsions and incidents of collective punishment, including houses or rooms demolished or sealed, the imposition of curfews and the closing of areas. They also review the economic and social situation in the territories, settlers' activities affecting the civilian population, and measures affecting the fundamental freedoms of movement, education, religion and expression.

The Special Committee emphasizes the disastrous consequences of the closure of all parts of the occupied territories, particularly in the absence of a developed economic infrastructure after 28 years of occupation. The closures, imposed in response to the suicide bombers of February and March, constitute a form of collective punishment, it states. Medical clinics were unable to function, and the movement of health workers and medical personnel came to a standstill. Large percentages of students and teachers were unable to reach their schools. Palestinian detainees were cut off from their families and also from their lawyers. The closures also resulted in shortages of staple goods as well as of materials necessary for industry and construction. Palestinians from the territories who work in Israel were not able to travel to their jobs. With an estimated 10 persons dependent on each worker, that fact had great impact.

One of the most serious sources of tensions according to the reports, is the expansion of Israeli settlements and the construction of bypass roads to link the settlements and connect them with Israel. The practice entails the confiscation of water resources, as well as large areas of Arab-owned land. Some 100 ancient olive trees were reportedly bulldozed in one morning in the area of Bethlehem to build bypass roads. The most serious land confiscation involves the area in and around Jerusalem. The current trend appears to be the expropriation of numerous small plots of land in Palestinian neighbourhoods. The report says the biggest threat to the peace process is the decision taken by the Israeli Cabinet on 2 August to put an end to the four-year freeze on constructing settlements, which had been imposed by the previous Government.

Tensions are further aggravated, the report s say, by the aggressive behaviour of the settlers, including physical attacks against Palestinians, as well as damage to their property. Settlers have attacked Palestinians and vandalized their property in order to delay the army's withdrawal. The settlers fall under Israeli jurisdiction and the police, judiciary and army have enforced the law with disproportionate leniency. In addition to the social and political consequences of Israeli settlements, there are environmental consequences related to the intensive use of fertile land and water resources. Environmental degradation is also caused by the burial of Israeli industrial waste, the cutting of fruit trees and the use of pesticides, fertilizers and dyes in Israeli settlements.

The reports note that prior to withdrawing from West Bank towns, the Israeli authorities transferred all Palestinian prisoners from the West Bank to prisons inside Israel, in violation of the Fourth Geneva Convention. Currently, some 3,000 Palestinian prisoners are held in Israeli detention centres, some 140 of whom are minors. Palestinian prisoners are subjected to methods of interrogation that amount to aggravated forms of torture, including the practice of shaking, which can cause lethal brain haemorrhages.

Palestinian inhabitants of East Jerusalem are under direct Israeli control and, therefore are subject to Israeli laws, which theoretically protect their rights, say the reports. Nevertheless, they are subjected to systematic discrimination. Beatings, harassment and extrajudicial killings continue. The

reports term the various policies pursued by the Israeli authorities aimed at reducing the number of Arabs in Jerusalem a form of "creeping ethnic cleansing".

During the voting for the Palestinian Council in January, the reports say, the Israeli authorities are said to have placed a number of obstacles in the way of Palestinians, which would partly explain the low voter turnout in Jerusalem. Israeli security forces intimidated the voters by deploying in very large numbers around the polling stations.

The reports recalls that the international community had hoped that the signing of the Oslo Accords would usher in a new era of peace for the people of the Middle East. However, the peace process appears to have lost momentum. The redeployment of the Israeli armed forces in Hebron, agreed to in the interim phase of the negotiations, has not taken place. Safe passage between the Gaza Strip and the West Bank, also part of the interim phase, has not been implemented to date. Numerous other obligations stemming from the Oslo Accords remain unfulfilled and, according to the reports, Palestinians feel that Israel still controls their lives. The reports say that the Palestinians suffer a "general sense of disappointment and despondency in the face of continuing violations of the human rights of the people in the occupied territories", and state that the Special Committee's mandate remains relevant in the current situation.

Among the reports' recommendations are the implementation of specific measures which would safeguard the basic human rights of the Palestinian people and other Arabs in the occupied territories. The Committee recommends the full application by Israel of the relevant provisions of the Fourth Geneva Convention, as well as its full compliance with all pertinent resolutions adopted by the United Nations system. It recommends that the Government cooperate fully with the United Nations Relief and Works Agency for Palestine Refugees, the International Committee of the Red Cross, the United Nations Special Coordinator in the Occupied Territories, and the Centre for Human Rights. Member States should renew their efforts to convince Israel of the need for increased human rights protection, including permitting the Special Committee access to the occupied territories.

The Special Committee appeals to the Government of Israel to stop establishing and expanding settlements. The ongoing policy of land confiscation and the construction of bypass roads should be discontinued, and Arabs in East Jerusalem should not be pressured to sell their houses to members of the Jewish community. The Government should refrain from the destruction of property, such as the demolition of houses and the uprooting of trees, and cease its discriminatory practices concerning the use of water resources.

The Special Committee urges the Israeli Government to eliminate the practice of forced eviction and to confer legal security of tenure on all persons currently facing the threat of forced eviction. Persons deported or expelled from the occupied territories should be allowed to return and, where applicable, have their properties restored.

The Special Committee further recommends ending all practices of torture. Interrogation procedures should adhere to international human rights standards. Palestinian and other Arab prisoners, especially political detainees, should have their cases appropriately reviewed and their release facilitated. Conditions in detention, which are reported to have deteriorated since the signing of the Oslo Accords, should be improved, in conformity with the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

The Government of Israel should protect the right to life and physical integrity and carry out full and impartial investigations of acts of violence committed by settlers, according to the reports. It should provide all legal safeguards for the Arab population of the occupied territories and ensure the prompt, thorough and impartial

administration of justice, with penalties for both Israelis and Arabs commensurate with the gravity of the offence committed.

Also before the Committee were four reports of the Secretary-General pursuant to General Assembly resolution 50/29 (A/51/514, A/51/516, A/51/517 and A/51/518).

The report of the Secretary-General pursuant to resolution 50/29 A (A/51/514) recalls that paragraph 8 of that resolution had requested that the Secretary-General provide all necessary facilities to the Special Committee to Investigate Israeli Practices, including those required for its visits to the occupied territories, so that it might investigate the Israeli practices and policies affecting the human rights of Palestinian and other Arabs of the occupied territories. The Assembly had requested that the Secretary-General ensure the widest circulation of the Special Committee's reports and of information regarding its activities and findings, through the Secretariat's Department of Public Information.

The Secretary-General's report says that all necessary facilities had been provided to the Special Committee. Two periodic reports and the twenty-eighth annual report of the Special Committee had been circulated to Member States. The Department of Public Information had continued to provide press coverage of the Special Committee's meetings and to feature and distribute materials, documents and press releases on its activities to non-governmental organizations and the public at large. In a booklet published in September 1994 entitled The United Nations and the Question of Palestine, the Department had devoted a chapter to human rights in the occupied territories, based on the Special Committee's materials.

The Secretary-General's report in pursuance of General Assembly resolution 50/29 B (A/51/516) recalls that, in its fiftieth session, the General Assembly had determined that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable to the occupied Palestinian territory and other territories occupied by Israel since 1967 and had demanded that Israel accept that applicability. It had called upon all States parties to the Convention to exert all efforts to ensure respect for its provisions by Israel. In view of his reporting responsibilities under the resolution, the Secretary-General had requested information from Israel on the steps taken or planned concerning the implementation of the relevant provisions. No reply had been received.

The Secretary-General's report in pursuance of Assembly resolution 50/29 C (A/51/517) recalls that information had been requested from Israel on the steps taken or planned concerning the implementation of the relevant provisions of the resolution. No reply had been received.

By resolution 50/29 C, the Assembly had reaffirmed that the Israeli settlements in the occupied Palestinian territory and other Arab territories were illegal and an obstacle to achieving comprehensive peace. Noting with satisfaction the return of deportees to the occupied Palestinian territory and calling upon Israel to facilitate the return of the remainder, it had further called upon Israel to accelerate the release of all Palestinians arbitrarily detained or imprisoned, and to respect the fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the West Bank.

The Secretary-General's report in pursuance of Assembly resolution 50/29 D (A/51/518) recalls that, in its fiftieth session, the General Assembly had called upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and, in particular, to desist from establishing settlements in that area. Also by that section of the resolution, the Assembly had determined that all such actions violated international law. It had called upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied

Syrian Golan, and called upon Member States not to recognize any of the legislative or administrative measures and actions referred to above. In view of his reporting responsibilities on the matter, the Secretary-General had requested information from Israel on steps taken or intended concerning the relevant provisions of that section of the resolution. No reply had been received, he states.

VI. LEAGUE OF ARAB STATES DENOUNCES EXPANSION OF ISRAELI SETTLEMENTS

In a statement issued on 24 November 1996, the Secretariat of the League of Arab States denounced the measures taken by Israel to expand the settlements in the occupied Arab territories. The text of the statement, contained in document (A/51/699-S/1996/991), is reproduced below:

The Secretariat of the League of Arab States is following with grave concern the decision of the Israeli Government to expand the Israeli settlements in the West Bank, occupied Arab Jerusalem, the Gaza Strip and the Syrian Golan Heights. It reaffirms that the measures taken by the Israeli Government to that end contribute to the tension in the region and generate an increase in acts of violence, in addition to the fact that those practices are causing a loss of confidence in the sincerity of the Israeli Government in moving forward in the peace process, and threaten to undermine that process.

The Secretariat of the League of Arab States, in denouncing those measures, holds the Israeli Government fully responsible for the outcome of its practices, which are incompatible with the rules and principles of international law, the decisions of international legitimacy and the provisions of the fourth Geneva Convention of 1949. It reaffirms that the continuation by the Israeli Government of those practices, and the acts of repression, terrorism and torture committed by it against citizens in the occupied Arab territories, will merely result in the creation of a thick wall of mistrust, compounded by the Israeli court's latest decision that Israeli interrogators are permitted to continue their bodily torture of Palestinian detainees. The Secretariat considers this decision to be a flagrant violation of the provisions of the fourth Geneva Convention of 1949, the Universal Declaration of Human Rights and the spirit of the current peace process in the region.

The Secretariat of the League of Arab States calls upon the States involved in the peace process in the Middle East, and in particular the United States of America, the Russian Federation and the States members of the European Union, to move speedily and effectively to maintain the momentum achieved in the peace process and to compel Israel to abide by the provisions of international law and the decisions of international legitimacy, especially Security Council resolutions 242 (1967), 252 (1968), 338 (1973) and 425 (1978), and the principle of land for peace, with a view to transforming the Middle East into a region of peace, security and stability.